

REMARKS

Claims 68, 77, 79, 81, 82, 88, 92-97 and 99-110 are amended. The independent claims have been amended to further describe the subject matter being claimed. The dependent claims have been amended to maintain proper antecedent basis after amendment of the independent claims. Claims 69, 76, 80, 86 and 89-91 are canceled without prejudice. The applicant reserves the right to prosecute the subject matter of the canceled claims in one or more continuation applications.

In response to the restriction requirement made in the action mailed August 27, 2008, the applicant elects Group I for examination, which encompasses claims 68-88. Further, the applicant elects species 1, which corresponds to claim 68, 70-75, 77-79, 84 and 87. The election is made with traverse.

As noted by the Examiner, restriction of a national phase application is determined according to PCT Rule 13.1. Applicant notes that the examiner for the PCT application did not find that the claims lacked unity. Regardless, applicant submits that each of the independent claims requires the same inventive concept, particularly after amendment of the independent claims. At least the feature of a recycled plastic material having at least one uniform predetermined property selected from the group consisting of melt flow rate and density is an inventive concept shared by each of the claims. Therefore, applicant submits that after amendment of the independent claims, restriction is no longer proper. In addition, the Examiner has restricted claims according to species. While PCT Rule 13.1 notes that claims can be restricted according to inventive step, PCT Rule 13.1 does not describe restricting claims according to species.

Applicant respectfully points out that WO 03/087215 included 67 claims. Thus, when applicant submitted a preliminary amendment with claims beginning with claim 68, the claim numbering was proper.

Applicant : Riise et al.
Serial No. : 10/511,109
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No fee is believed to be due. If, however, there are any charges or credits, please apply them to Deposit Account No. 06-1050.

Respectfully submitted,

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